

25, 50.
369.
JAMES GRAHAM, - Plaintiff in Error.

RODOLPH WHITE and } Defendants in Error.
PETER WHITE, - }

The Defendants CASE.

THE now Defendants did in *Easter* Term, in the 1st Year of his present Majesty's Reign, in the Court of Common Pleas at *Westminster*, commence an Action of Trover and Conversion for several Goods in the Declaration mentioned, to which the now Plaintiff appeared, and in that Term the now Defendants declared thereon against the now Plaintiff, and laid their Damage to 2000*l*.

The now Plaintiff being the same Term called by Rule of Court to plead to the Declaration or Action, did not plead or make any Answer thereto, whereby Judgment passed against him by Default, and a Writ of Enquiry of Damages was executed thereon the 15th of *June*, in the 2d Year of his Majesty's Reign, upon which there were given to the now Defendants 2000*l*. for Damages, and 1*l*. 7*s*. 4*d*. for Costs; which, with 22*l*. 12*s*. 8*d*. (being the Increase of Costs allowed by the Court on signing Judgment) amounted in the whole to 2024*l*. for which Judgment was given by the Court of Common Pleas for the now Defendants against the now Plaintiff.

The now Plaintiff did in *Trinity* Term last bring his Writ of Error on the Judgment, returnable into his Majesty's Court of King's Bench, into which Court the Record of the Judgment was accordingly removed; and there the now Plaintiff did thereon assign general Errors, *viz.* that the Judgment was given for the now Defendants, whereas it ought to have been given for the now Plaintiff: And did also alledge for Error, the Diminution or Want of an Original and Warrants of Attorney; but did not procure any *Certiorari*'s to be returned to verify the Errors; and thereupon the now Defendants pleaded thereto *In nullo est Erratum*.

In *Hillary* Term last this Cause in Error in the Court of King's Bench came on to be argued, where Council appeared on both Sides; and upon opening, by the now Plaintiff's Council, only one Exception to the Declaration, it was immediately over-ruled by the Court; and thereupon the Judgment in this Cause was unanimously affirmed by all the Judges of the Court of King's Bench.

The now Plaintiff (for further Delay and Vexation) has since brought his Writ of Error upon this Judgment and Affirmance, returnable in this Honourable House, and has here assigned for Error, the like Errors with the like Diminution, as he assigned in the Court of King's Bench, but has returned no *Certiorari* thereon to verify his Errors assigned here; to which Errors the now Defendants have pleaded *In nullo est Erratum*.

Wherefore the now Defendants humbly pray that their said Judgment may be Affirmed with Costs.

THO. REEVE.

No Counsel appearing for the *Jt. Judgm.*
of the Court of Kings Bench was Affirmed
with 100 Costs.

James Graham, } Plaintiff in
Error.

Rodolph White } Defendants
and Peter White, } in Error.

The Defendants CASE.

*To be heard at the Bar of the House
of Lords, on Saturday the 10th
Day of May, 1729.*